



Office of City Manager

May 13, 2010

VIA EMAIL

Ms Kathryn Hernandez
EPA Project Manager
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202 - 1129

Dear Kathy:

This letter is in reference to your Richardson Flat Repository Volumes memorandum dated May 11, 2010. Dave Smith, attorney for United Park City Mines Company, forwarded it to our attention this morning.

Your memorandum states: "Volumes documented and approved by EPA in the July 2, 2007 letter from Park City have been delivered to Richardson Flats [sic] Repository..." It appears from this statement that you have not had the benefit of current information. In fact, soils from several of the projects identified in the July 2, 2007, letter have not been delivered to Richardson Flat.

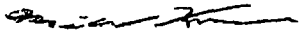
One such project, which was approved in the July 2, 2007 letter, is the Public Works Iron Horse Facility (34,000 cu/yds). For the past several weeks, Park City has been staging contaminated soil on the project site in anticipation of hauling those soils to the Richardson Flat Repository. Because the repository has been closed to all haulers due to weather, Park City taxpayers have incurred \$25,000 in costs associated with moving the soil on site. It is my understanding that the repository will be open to receive contaminated soil on Monday, May 17, 2010. Each day that Park City is denied access to the repository increases the Iron Horse Facility project cost by approximately \$3,000. This is a previously approved project, funded with Park City and federal stimulus money, and should be completed as cost-effectively as possible. The project is currently 32 days behind schedule. Due to the costs associated with further delay of the soils component of the Iron Horse Facility project, I am asking that you confirm by 3:00 p.m. tomorrow, Friday, May 14, 2010, that Park City may begin hauling contaminated soils from the Iron Horse Facility project to Richardson Flat on Monday, May 17, 2010.

Your May 11, 2010, Memo also states: "The Richardson Flat Repository can accept Mine Waste from CERCLIS Sites located within the Silver Creek Watershed after approval by the Remedial Project

Manager." As you know, Park City is in the process of constructing a \$17,000,000 water treatment plant just south of State Route 248. The treatment plant is part of Park City's \$40,000,000 water importation and treatment project. The treatment plant is located within the Silver Creek Watershed. According to your May 11, 2010, memorandum, Park City is able, subject to your approval, to haul the mine waste from the water treatment plant site to the Richardson Flat Repository. Further, allowing storage at the Richardson Flat Repository is consistent with the Richardson Flat Record of Decision, which states that the site is the "appropriate location for placement and consolidation of mine wastes from cleanups conducted at other locations in the Watershed." Based on these facts, I am asking you to confirm by 3:00 p.m. tomorrow, Friday, May 14, 2010, that Park City may haul contaminated soil from the water treatment plant site to the Richardson Flat Repository.

I will close by mentioning how disappointed we are that you did not notify Park City directly of the contents of your memorandum. Although you reference Park City Municipal Corporation specifically and you are acutely aware of the direct and significant impact on Park City and its taxpayers, we received your memorandum only because Talisker/United Park City Mines Company's attorney telefaxed it to Park City's Chief Building Official. As you are well aware, Park City Municipal staff has made extensive efforts to establish a productive and cooperative relationship with EPA Region 8, and not including the City in this correspondence is obviously inconsistent with the objective of those efforts.

Sincerely,



Michael Kovacs
Assistant City Manager

cc:

Dave Smith, UPCM

Kerry Gee, UPCM

Muhammad Slam, UT DERR

Maureen O'Reilly, EPA 8 ADR

Mia Bearley, EPA, 8ENF